

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)**

Mohammad Anwar	)	
24782 Serpmtinal Pl.	)	
Stone Riddge, VA 20105	)	
Plaintiff,	)	
	)	
v.	)	<b>CIVIL CASE NO.</b>
Abdul Rahman Ayoubi	)	<b>1:13CV 1123 (LMB/TRJ)</b>
4510 Wyvonnnes Way	)	
Plano, Texas 75024	)	
Defendant.	)	

**AMENDED COMPLAINT**

Plaintiff Mohammad Anwar, by Counsel, pursuant to the order of the court dated November 15, 2013 respectfully present his amended complaint against Defendant, Abdul Rahman Ayoubi, as set forth below:

**Introduction**

This is an action for breach of an obligation to principal by an agent who deliberately defrauded the principal maliciously by non- payment of the value of the principal's asset collected from the proceeds of the sale of the principal's real property.

On June 28, 2011, Plaintiff executed a power of Attorney authorizing Defendant, Abdul Rahman Ayoubi, to act for him for sale of his share of the ownership of a piece of land located in Kabul, Afghanistan, that Plaintiff inherited from his parents. Defendant completed the sale proceeding in Afghanistan, and

collected Plaintiff's share of the net proceeds totaling 19,500,000.00 Afghanis, equivalent of \$ 385,000.00 U.S. dollars.

The Plaintiff demanded for payment of the collected sale price for his share of the ownership, but Defendant failed to perform his duty and with malice and oppressive behavior defrauded Plaintiff for his share of the proceeds of the sale.

### **Jurisdictions**

- A. This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000.00 and there is complete diversity of citizenship between the parties in this matter.
- B. Venue is also proper in this court pursuant to 28 U.S.C § 1391 based on the harm caused to Plaintiff as a Virginia resident and domicile.

### **Parties**

- A. Plaintiff Mohammad Anwar is an individual citizen of the United States domiciled in and a resident of the Commonwealth of Virginia. Mr. Anwar was a citizen of Afghanistan prior to becoming a naturalized U.S. Citizen.
- B. Defendant Abdul Rahman Ayoubi is also a naturalized U.S. citizen originally from Afghanistan who has been residing in Plano, Texas for past few years.

### **Facts**

- 1. Plaintiff inherited a share of ownership of a plot of land located in "Char Asyab" area of Kabul, Afghanistan. Plaintiff and his twelve (12) other

co-owners decided to sell the jointly owned property, and in this context, Plaintiff executed a power of Attorney on June 28, 2011 authorizing Defendant, Abdul Rahman Ayoubi, to act for him as attorney-in fact for sale of his share of the inherited ownership of the above mentioned plot of land. Plaintiff formally executed the power of attorney of June 28, 2011 in the Embassy of Islamic Republic of Afghanistan in Washington D.C. in English and Farsi versions of power of attorney forms prepared by the Embassy, copies of which are attached and fully incorporated herein as Plaintiff's Exhibit "A".

2. Defendant, as Plaintiff's agent and attorney-in-fact, travelled to Kabul, Afghanistan and contracted a buyer named Mohammad Nadir for sale of the land for AFS19,500,000.—Afghani and received a down payment of \$50,000.00 U.S. Dollar in cash with expectation to receive the remaining 17,100.000.00 Afghanis upon signing the sale papers. A copy of the hand written Affidavit of the Defendant in Farsi dated July 21, 2011, and a copy of its official translation in English are attached and fully incorporated herein as Plaintiff's Exhibit "B".
3. On or about June 14, 2012 Defendant contacted Plaintiff by telephone from Plano, Texas, and informed Plaintiff that he received \$150,000.00 U.S. Dollars from the buyer earlier and therefore the total received for the sale of the property is \$200,000.00. In response, Plaintiff demanded payment for his share of the down payment and additional \$150,000.00.
4. The Defendant failed to satisfy Plaintiff's demand for payment and Plaintiff

decided to travel to Kabul, Afghanistan and take care of the property sale himself.

5. On June 22, 2012 Plaintiff notified Defendant of cancellation of the power of attorney of June 28, 2011 and requested the return of the originals executed in the Embassy of the Islamic Republic of Afghanistan in Washington, D.C. A copy of the notice of cancellation of June 22, 2012 (in English and in Farsi) is attached and fully incorporated herein as Plaintiff's Exhibit "c".
6. Plaintiff contacted the buyer of the property in Kabul, Afghanistan, through a co-owner relative, Ms. Rona Nassiry, who travelled to Afghanistan in early 2013 and learned that Defendant completed the sale process by using the cancelled power of attorney and collected the balance of the sale proceeds. According to the affidavit of Rona Nassiry dated March 22, 2013, Defendant used the power of attorney from Plaintiff and collected his share of the total proceeds of the sale. A copy of Said Affidavit is attached and fully incorporated herein as Plaintiff's Exhibit "D".
7. Plaintiff contacted the Defendant again on or about April 5, 2013, and demanded payment of the sale proceeds collected for him on the authority of the power of attorney of June 28, 2011, but Defendant failed to comply with Plaintiff's demand and violated his fiduciary duty under the power of attorney of June 28, 2011.

With the foregoing, it's clear that Defendant has defaulted on his obligation deliberately and with actual malice and intent to defraud Plaintiff by failing to make payment when demanded to do so.

WHEREFORE, Plaintiff prays for judgment against defendant in amount of One Hundred Forty Two Thousands and Three Hundred Ninety Five Dollars (\$142,395.00) inclusive of compensatory and punitive damages, plus interest at the rate of six percent (6%) per annum from July 1, 2012 until the debt is paid in full, and fifteen percent (15%) attorney fees and his costs expended in this action.

Respectfully Submitted  
Mohammad Anwar  
By Counsel

/s/ Jahangir Ghobadi

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Jahangir Ghobadi (VSB# 32784)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 27<sup>th</sup> day of November, 2013, a true and correct copy of the foregoing was served upon counsel for the defendant through this Court's ECF filing system.

/s/ Jahangir Ghobadi

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